

Request for Reconsideration dated 01/03/05
In Response to Final Office Action mailed 11/03/04

U.S.S.N. 09/887,824
005222.00145

REMARKS

Claims 1-54 are pending. Claims 1-54 are rejected by this Office Action.

In the Preliminary Amendment filed October 22, 2002, the Applicant amended the title to "A Simulation Enabled Focused Feedback Tutorial System".

The Applicant filed an Information Disclosure Statement on February 7, 2002.

The Applicant requests withdrawal of the finality of the Office Action. The Office Action has not reviewed and responded to all of the outstanding grounds of rejection in concert with MPEP §706.07. In particular, the Applicant previously amended the claims to clearly show that the claims 1-9, 19-27, and 37-45 are to be practiced on a computer. The final Office Action has rejected claims 1-9, 19-27, and 37-45 on the same grounds without discussing or even acknowledging the related amendments that were included in the Applicant's previous paper.

Claim Rejections - 35 U.S.C. § 101

The Office Action alleges that claims 1-9, 19-27, and 37-45 are not claimed to be practiced on a computer and that the claims are not limited to practice in the technological arts. In the response to the previous Office Action mailed March 30, 2004, the Applicant amended claims 1-9, 19-27, and 37-45 to replace "method" with "computer-implemented method". As amended claims 1-9, 19-27, and 37-45 are claimed to be practiced on a computer and are limited to practice in the technological arts. Thus, the Applicant requests reconsideration of claims 1-9, 19-27, and 37-45.

The Office Action further alleges that none of the claims are limited to practical applications in the technological arts and that "Applicant's 'goal' references are just abstract ideas." The Applicant previously amended claim 1 to include the features of "receiving a goal, **the goal being associated with a training objective of a student**" and "evaluating the progress toward the goal and provides feedback that further motivates accomplishment of the **goal for use in the presentation**". (Emphasis added.) As previously amended, the "goal" references of claim 1 are directed to useful, concrete, and tangible results. The Office Action further alleges that "The word 'associated' is undefined and it is unclear whether this word limits the claims to statutory subject matter. Applicant asserts that the 'training objective of a student' limitation' makes the claims statutory, but it is unclear what this phrase has to do with the invention beyond

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a vague 'association' with it." The Applicant respectfully disagrees. In accordance with MPEP § 2111.01, the words of the claim must be given their plain meaning unless the Applicant has provided a clear definition in the specification. For example, a plain meaning of "associate" is "following or accompanying; concomitant." (The American Heritage College Dictionary, Third Edition, Houghton Mifflin Company.) The Office Action has failed to apply the plain meaning of "associate" in order to interpret the claim. The Applicant respectfully submits that claim 1 contains statutory subject matter in light of the plain meanings of the words in the claim.

Similarly, claim 19, as previously amended, includes the features of "presenting information indicative of a goal, the goal being associated with a training objective of a student" and "integrating information that motivates accomplishment of the goal in a simulated environment goal for use in the presentation". Claim 37, as previously amended, similarly includes the features of "receiving indicia representative of a goal into a model the goal being associated with a training objective of a plurality of students" and "integrating information that provides assistance with achieving the goal into a tutor for use in the presentation". Claims 2-9, 20-27, and 38-45 depend from claims 1, 19, and 37. Thus, claims 1-9, 19-27 and 38-45 are limited to practical applications in the technological arts. The Applicant requests reconsideration of claims 1-9, 19-27, and 38-45.

Regarding claim 10, the Office Action alleges that "the 'feedback' or display of information 'motivates' accomplishment of a goal. 'Motivation' is a human thought and the inclusion of it does not make the invention statutory. Claim 10, as previously amended, contains the feature of "logic that evaluates the progress toward the goal and provides feedback that further **motivates** accomplishment of the goal for use in the presentation". (Emphasis added.) The feature does not include the word "motivation" (which the Office Action construes as being "a human thought") but does include the word "motivates", which has a common meaning of "impel." (The American Heritage College Dictionary, Third Edition, Houghton Mifflin Company.) The Applicant respectfully submits that claim 10 does include statutory subject when the words are construed in accordance with the plain meaning of the words.

The Office Action further alleges that "Applicant manipulated a set of abstract 'goals' to solve purely algorithmic problems in the abstract i.e. what kind of 'goal' is used?" However, as previously amended in claims 1, 10, 19, 28, 37, and 46, the Applicant specifically claims "the

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goal being associated with a training objective of a student" and thus clearly claims the kind of goal being used.

Regarding the "system" recitals in claims 10-18, 28-36, and 46-54, the Office Action further alleges that claims 10-18, 28-36, and 46-54 are unstatutory. The Office Action alleges that "While the 'system' recitals in the preambles of claims 10-18, 28-36, and 46-54 make the claims ostensibly drawn to be 'apparatus' claims, they are insufficient by themselves to limit the claims to statutory subject matter." As previously discussed, the Applicant previously amended claim 10 to include the features of "logic that receives a goal, **the goal being associated with a training objective of a student**" and "logic that evaluates the progress toward the goal and provides feedback that further motivates accomplishment of the **goal for use in the presentation**". (Emphasis added.) Claim 10, as amended, is directed to useful, concrete, and tangible results. Similarly, the Applicant has amended claim 28 to include the features of "logic that presents information indicative of a goal, the goal being associated with a training objective of a student" and "logic that integrates information that motivates accomplishment of the goal in a simulated environment for use in the presentation". Similarly, the Applicant has previously amended claim 46 to include the features of "logic that receives indicia representative of a plurality of goals into a model, the plurality of goals being associated with a training objective of a student" and "logic that integrates information that provides assistance with achieving the plurality of goals into a tutor for use in the presentation". Claims 11-18, 29-36, and 47-54 depend from claims 10, 28, and 46. Thus, claims 10-18, 28-36, and 46-54 are statutory. Applicant requests reconsideration of claims 10-18, 28-36, and 46-54.

Claim Rejections - 35 U.S.C. § 112

Claims 1-54 are rejected by the Office Action under 35 U.S.C. 112. The Office Action alleges that claims 1-54 are rejected under 35 U.S.C. 112, first paragraph "because current case law (and accordingly, the MPEP) require such a rejection if a 101 rejection is given". As discussed above, claims 1-54 are directed to statutory subject matter under 35 U.S.C. § 101.

Claims 1-54 are rejected by the Office Action under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention. The Office Action specifically alleges that "The word 'associated' is undefined and it is unclear whether the word limits the claims to statutory

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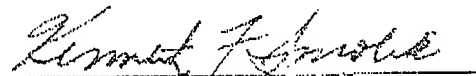
subject matter." In accordance with MPEP § 2111.01, the words of the claim must be given their plain meaning unless the Applicant has provided a clear definition in the specification. For example, a plain meaning of "associate" is "following or accompanying; concomitant." (The American Heritage College Dictionary, Third Edition, Houghton Mifflin Company.) The Office Action has failed to apply the plain meaning of "associate" in order to interpret the claim. The Applicant respectfully submits that claims 1-54 is definite and distinct in claiming the subject matter that the Applicant regards as the invention in light of the plain meanings of the words. The Applicant requests reconsideration of claims 1-54.

CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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